

## UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

ABDUL-KHAALIQ S. RAHMAAN

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

JARROD BRADBURY, SCOTT CHAPMAN, MATHEW KELLY, DANIELLE PRUITT

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

1:22-CV-01545-JPH-KMB

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐

Yes

☒

No

**FILED****05/24/2023**

**U.S. DISTRICT COURT**  
SOUTHERN DISTRICT OF INDIANA  
Roger A.G. Sharpe, Clerk

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**

(Non-Prisoner Complaint)

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include *only*: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievances, witness statements, evidence, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

I would like to add to my complaint that due to the negligence of Daniell Pruitt, Scott Chapman, Mathew Kelly, and Jarrod Bradbury, Judge Dan E. Marshall, and Deputy Prosecutor Gina Koorsen the plaintiff suffered loss of wages, poor credit score due to the fact that I was detained for 15 months. Unable to work, pay my credit card bills, car insurance, etc. Also Judge Dan E. Marshall forced the plaintiff to go to a competence program located at Hendricks Behavioral Hospital 1051 Southfield Drive Plainfield Indiana 46168. The plaintiff was forced to take medication by Dr. Vikki Burdine Haldol and risperidone medications. Psychotropic drugs in which was not necessary for the plaintiff to be taking psychotropic medication. The plaintiff does not have any type of psychiatric conditions whatsoever. I was kept detained at the Hendricks Behavioral Hospital for 90 days from October 17th 2022 until February 30th 2023 without a court date. The Hancock County Sheriff's Department

ruined the plaintiffs life to the point that it was so severe it made the plaintiff homeless and during the time the plaintiff was detained at the Hancock County Sheriffs Department the plaintiff's Bank Account was closed out do to electronic debits and bill payments. Upon the plaintiffs release the plaintiff was placed in a homeless shelter the Hope House 35 E. Pierson St. Greenfield IN 46140, and later sent back to New York on a Grey Hound Bus. The plaintiff arrived back in New York on 04/15/2023, with no money and no where to live i had to check into the Bellview homeless shelter in NYC 30th St. & 1st ave. The plaintiff was transfered to the Bedford Ave Mens shelter the next day 04/16/2023 the plaintiff was tested for Covid-19, and the results came back possitive do to being locked in a cell at the Hancock County Sheriffs Department with people who were possitive for Covid-19 off and on for 15 months.

## II. The Parties to This Complaint

### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	ABDUL-KHAALIQ S. RAHMAAN		
Address	138-50 QUEENS BLVD		
	BRIARWOOD	NY	11435
	<i>City</i>	<i>State</i>	<i>Zip Co</i>
County	QUEENS COUNTY		
Telephone Number	(718)586-4378		
E-Mail Address	arahmaan747@gmailcom		

### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Danielle Pruitt		
Job or Title <i>(if known)</i>	Deputy Sheriff		
Address	398 Malcom Grass Way		
	Greenfield	IN	46140
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Hancock County Indiana		
Telephone Number	(317)477-1158		
E-Mail Address <i>(if known)</i>	Unknown		

☐ Individual capacity ☒ Official capacity

## Defendant No. 2

Name

Scott Chapman

Job or Title *(if known)*

Deputy Sheriff

Address

398 Malcom Grass Way

Greenfield

IN

46140

*City**State**Zip code*

County

Hancock County Indiana

Telephone Number

(317)477-1158

E-Mail Address *(if known)*

Unknown

☐

Individual capacity

☒

Official capacity

## Defendant No. 3

Name

Jarrod Bradbury

Job or Title *(if known)*

Deputy Sheriff

Address

398 Malcom Grass Way

Greenfield

IN

46140

*City**State**Zip Code*

County

Hancock County Indiana

Telephone Number

(317)477-1158

E-Mail Address *(if known)*☐

Individual capacity

☒

Official capacity

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- The plaintiff was kidnapped by the Hancock County Sheriffs Department Officers Danielle Pruitt, and Scott Chapman Taken to 123 E. Main St. Greenfield IN 46140 placed in a freezing cold cell for 72 hours forced to sleep on a cemeant bench, before the plaintiff was placed in population in a cell, and the plaintiff was kept in Administrative Segregation for 15 months without a probable cause locked in a cell for 23 hours a day and allowed to come out for 1 hour a per day.

#### IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

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#### V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

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#### VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5/24/2023

Signature of Plaintiff

Printed Name of Plaintiff

  
ABDUL-KHAALIQ S. RAHMAAN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ABDUL-KHAALIQ S. RAHMAAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:22-cv-01545-JPH-KMB
	)	
DANIELLE PRUITT,	)	
SCOTT CHAPMAN,	)	
MATHEW KELLY,	)	
JARROD BRADBURY,	)	
	)	
Defendants.	)	

**ORDER DISMISSING COMPLAINT AND  
DIRECTING FILING OF AMENDED COMPLAINT**

Plaintiff Abdul-Khaliq S. Rahmaan was a pretrial detainee incarcerated at the Hancock County Jail when he initiated this civil action. Dkt. 1. The allegations in the amended complaint relate to his arrest and his subsequent incarceration.<sup>1</sup> Although he has been released, dkt. 28, this Court has an obligation to screen the complaint before service on the defendants because Mr. Rahmaan was a "prisoner" when he initiated this suit. 28 U.S.C. § 1915A(a), (c).

**I. Screening Standard**

When screening a complaint, the Court must dismiss any portion that is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915A(b). To determine whether the complaint states a claim, the Court applies the same

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<sup>1</sup> In another case, he filed an amended complaint that was identical to the amended complaint in this case, so the cases were consolidated. Dkt. 19.

standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Schillinger v. Kiley*, 954 F.3d 990, 993 (7th Cir. 2020). Under that standard, a complaint must include "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The Court construes *pro se* complaints liberally and holds them to a "less stringent standard than formal pleadings drafted by lawyers." *Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017).

## **II. The Amended Complaint**

Mr. Rahmaan names five defendants in his amended complaint: Hancock County Sheriff Bradley Burkhart and Hancock County Sheriff's Deputies Jarrod Bradbury, Danielle Pruitt, Matthew Kelly, and Scott Chapman. He seeks more than \$180 million in money damages.<sup>2</sup>

Mr. Rahmaan's complaint relates to events that happened in an underlying Hancock County criminal matter. To provide context to the allegations in Mr. Rahmaan's amended complaint, the Court takes judicial notice of the following

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<sup>2</sup> In his amended complaint, Mr. Rahmaan also asked the Court to order his release from the Hancock County Jail, but he has now been released, so that request is moot. In addition, he asked the Court to "expose the law enforcement & courts in Hancock County." Dkt. 3 at 5. To the extent that this is a request for relief beyond the money damages he otherwise requests, the Court cannot conduct freestanding investigations, and its jurisdiction is limited to the dispute between Mr. Rahmaan and the defendants named in the amended complaint.



information from *State v. Rahmaan*, No. 30D02-2201-F6-000052 (Hancock County Superior Court 2) ("Criminal Dkt.").

On January 12, 2022, a deputy prosecutor filed an information in Hancock Superior Court 2 alleging that, on or about January 9, 2022, Mr. Rahmaan threatened to shoot Michelle E. Winkler, in violation of Indiana Code § 35-45-2-1(a) and (b)(1)(A). Criminal Dkt. Entry for Jan. 12, 2022. The information was accompanied by a probable cause affidavit signed by Defendant Deputy Pruitt. Criminal Dkt. Entry for Jan. 12, 2022. In the affidavit, Deputy Pruitt stated under penalty of perjury that she had probable cause to arrest Mr. Rahmaan based on the following facts<sup>3</sup>:

On January 9, 2022, Deputy Pruitt was dispatched to a Pilot Travel Center to investigate a disturbance, specifically that—around 4:00 p.m.—an unknown man threatened a Pilot employee. Ms. Winkler stated that the man came into the Pilot just before 4:00 p.m. and bought a shower ticket. When Deputy Pruitt arrived at the Pilot, she saw Mr. Rahmaan outside the Pilot. When she approached his car, he abruptly jumped out of the car. He immediately told Deputy Pruitt that all he wanted was a shower, that he was angry because he wanted to take a shower, and if he could not take a shower, he wanted his \$13 back. He stated that he never threatened any Pilot employee or anyone else in the store. He told Deputy Pruitt that terrorists were entering the country, that his father was a free mason, and that he (Rahmaan) was a CIA agent. Mr.

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<sup>3</sup> All of the statements in the next three paragraphs are taken from the probable-cause affidavit at the Criminal Docket Entry for January 12, 2022 .

Rahmaan's speech was erratic, and none of his statements related to why Deputy Pruitt was called to the Pilot. Mr. Rahmaan handed Deputy Pruitt a green sticky note with random letters and numbers scribbled on it, saying that it was a report number from the Indiana State Police. Mr. Rahmaan stated that his watches were bugged and everyone was in danger.

When Deputy Chapman arrived, Deputy Pruitt went inside the Pilot to speak with Ms. Winkler. She said that Mr. Rahmaan told her there were terrorists coming into our country. He suddenly turned around after buying a shower ticket, looked at two Hispanic men, and stated, "I'm gonna shoot these terrorists and SHOOT YOU TOO!" She was afraid for her life and believed he had a weapon. She told Mr. Rahmaan to leave and not return. He exited the store for a short period and then tried to come back inside. He dropped some socks and his shower ticket, so she tossed the items in his direction. He then pointed at her and yelled, "IT'S TILL COMIN' TO YOU, BITCH!" She ran to the back of the store and locked herself in the back room until police arrived. When Deputy Pruitt spoke to Ms. Winkler, she was visibly shaking, sitting on the floor with her legs tucked to her chest, and had tears running down her face.

Deputy Chapman requested additional units to the Pilot, and the officers decided to take Mr. Rahmaan to jail and charge him with level 6 felony intimidation. Lieutenant Bradbury arrived on the scene and helped Deputy Chapman place Mr. Rahmaan in handcuffs. After he was handcuffed, Mr. Rahmaan started blaming President Biden for what was happening and said that they (the officers) were going to kill him. Deputy Chapman transported Mr.

Rahmaan to the Hancock County Jail ("Jail") while Lieutenant Bradbury followed.

On January 12, 2022, Hancock County Superior Court Judge Dan E. Marshall found that probable cause existed for Mr. Rahmaan's arrest for level 6 felony intimidation and held an initial hearing, at which a not guilty plea was entered for Mr. Rahmaan. Crim. Dkt. Entries for Jan. 12, 2022. In September 2022, Judge Marshall held a competency hearing and determined that Mr. Rahmaan was not competent to stand trial. Crim. Dkt. Entries for Sept. 14 and 26, 2022. Mr. Rahmaan was committed to the Division of Mental Health and Addiction so that competency restoration services could be provided. Crim. Dkt. Entry for Sept. 26, 2022. Mr. Rahmaan was transported from the Jail to Hendricks Behavioral Health, Crim. Dkt. Entry for Oct. 12, 2022, where he remained until he was found competent to stand trial and transported back the Jail in January 2023, Crim. Dkt. Entry for Oct. 12, 2022. The charges against Mr. Rahmaan were dismissed without prejudice on April 13, 2023. Crim. Dkt. Entry for April 13, 2023.

In his amended complaint, Mr. Rahmaan makes the following allegations:

Defendants Pruitt, Chapman, Bradbury, and Kelly defamed his character and slandered his name by bearing false witness and lying to Judge Marshall. They also falsely imprisoned him and obstructed justice. Defendants Pruitt and Chapman lied to the Hancock County Superior Court about the correct time of day—which was between 7:30 a.m. and 9:34 a.m.—and also "added two Deputy Sheriffs [Bradbury and Kelly] who were not present at the time Plaintiff was

arrested." Dkt. 3 at 3. He states, "The only people who were involved were Michelle E. Winkler Pilot Flying Jay store manager to unidentified latino men who were customers and the Plaintiff i complained that there were no towels in the shower no soap & the two unidentified Latino men looked like terrorist and I was led to believe they were going to try and do bodily injury to me while in the shower." *Id.* at 5 (errors in original).

In addition, he alleges that he was locked in a cell 23 hours a day in administrative segregation for seven months from January 9 to August 11, 2022. He alleges that he was starved at the Jail because he was not fed enough and that he was not provided with adequate medical attention at the Jail.<sup>4</sup>

### **III. Dismissal of Amended Complaint**

Applying the screening standard to the facts alleged in the amended complaint, the amended complaint must be dismissed for failure to state a claim upon which relief may be granted.

Mr. Rahmaan makes allegations about the conditions he experienced in the Jail. The Court understands these allegations as an attempt to assert a claim for having been subjected to objectively unreasonable conditions as a pretrial detainee in violation of the Fourteenth Amendment. *See Hardeman v. Curran*, 933 F.3d 816, 822-23 (7th Cir. 2019). But none of the defendants are

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<sup>4</sup> After Mr. Rahmaan filed his amended complaint, he sent the Court multiple letters making a number of complaints. *See, e.g.*, dkt. 9. It is unclear which, if any, of these allegations he wants to pursue in this case and, in any event, there can only be one operative complaint in this case. Mr. Rahmaan cannot continually update his claims by simply sending the Court letters. Accordingly, the Court confines its screening to the operative complaint in this action—the amended complaint at dkt. 3.

alleged to have had any responsibility for those conditions. Regarding Sheriff Burkhardt, the Court does not infer simply from his title that he was personally aware of and involved with the conditions faced by every inmate at the Jail. Accordingly, any claims based on the time Mr. Rahmaan spent at the Jail are **dismissed**. See *Colbert v. City of Chicago*, 851 F.3d 649, 657 (7th Cir. 2017) (a defendant is liable only for constitutional violations in which he or she personally participated); *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009) ("Because vicarious liability is inapplicable to . . . § 1983 suits, a plaintiff must plead that each Government-official defendant, through the official's own individual actions, has violated the Constitution.").

As to Defendants Bradbury and Kelly, the amended complaint includes no factual allegations plausibly suggesting that they engaged in wrongful conduct beyond a conclusory statement that they bore false witness against him, lied to Judge Marshall, and obstructed justice. The Court is not required to accept such conclusory statements, *Iqbal*, 556 U.S. at 678, and does not do so here. The claims against Defendants Bradbury and Kelly are **dismissed for failure to state a claim upon which relief may be granted**.<sup>5</sup>

That leaves the claims against Defendants Pruitt and Chapman. To the extent that Mr. Rahmaan is pursuing claims under 42 U.S.C. § 1983 based on allegations of false arrest, false imprisonment, or malicious prosecution, all of

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<sup>5</sup> Because Mr. Rahmaan claims elsewhere that Defendants Bradbury and Kelly were not present when he was arrested, the Court does not understand him to be claiming that these defendants falsely imprisoned him. And, to the extent he is, he has not alleged facts plausibly supporting such a claim because, again, elsewhere he claims that they were not present when he was arrested.

those claims require Mr. Rahmaan to allege facts plausibly suggesting that Defendants Pruitt and Chapman acted without probable cause. *See Thayer v. Chiczewski*, 705 F.3d 237, 246 (7th Cir. 2012) (to prevail on false-arrest claim under § 1983, plaintiff must show that there was no probable cause for his arrest); *Welton v. Anderson*, 770 F.3d 670, 674 (7th Cir. 2014) (prevailing on § 1983 malicious prosecution claim requires showing plaintiff has satisfied all elements of a state law cause of action for malicious prosecution); *Katz-Crank v. Haskett*, 843 F.3d 641, 649 (7th Cir. 2016) (under Indiana law, malicious prosecution claim requires showing that prosecution was initiated without probable cause); *Schertz v. Waupaca County*, 875 F.2d 578, 582 (7th Cir. 1989) (existence of probable cause bars Fourth Amendment claims for false arrest and false imprisonment).

Here, Mr. Rahmaan's amended complaint includes no such allegations. He states that Defendants Pruitt and Chapman lied about the time when the events leading to his arrest occurred—he says it was between 7:30 and 9:34 a.m. and they said it was 4:00—and about who was present—he says that Defendants Bradbury and Kelly were not present when he was arrested. But such inconsistencies alone do not invalidate or undermine the finding that there was probable cause to arrest, detain, and initiate criminal proceedings against him for threatening Ms. Winkler. *See, e.g., United States v. Hobbs*, 509 F.3d 353, 359-60 (7th Cir. 2007) (probable cause to arrest exists when an officer possesses "knowledge from reasonably trustworthy information that is sufficient to warrant

a prudent person in believing that the suspect has committed, or is committing, a crime" (cleaned up)).

The probable-cause determination depends on the elements of the underlying criminal offense. *Stokes v. Bd. of Educ.*, 599 F.3d 617, 622 (7th Cir. 2010). Here, Mr. Rahmaan was charged with level 6 felony intimidation under Indiana Code § 35-45-2-1(a) and (b)(1), which is violated if a person communicates a threat with the intent that another person be placed in fear that the threat will be carried out and the threat is to commit a forcible felony. Ind. Code § 35-45-2-1(a)(4) and (b)(1). Even if Defendants Pruitt or Chapman had made the false statements alleged in the amended complaint, Mr. Rahmaan's allegations do not plausibly suggest that Defendants Pruitt or Chapman lacked probable cause to arrest, detain, or initiate criminal proceedings against him.

Defendant Pruitt's affidavit—which states that Ms. Winkler told him that Mr. Rahmaan threatened to her—demonstrates the existence of probable cause. The Court has no reason to believe that Ms. Winkler is not a reasonably credible witness so there was probable cause even if Mr. Rahmaan denies that he threatened Ms. Winkler. *See, e.g., Jenkins v. Keating*, 147 F.3d 577, 585 (7th Cir. 1998) (stating, in a case where plaintiff alleged that victim falsely told police that plaintiff battered him, "as long as a reasonably credible witness or victim informs the police that someone has committed . . . a crime, the officers have probable cause to place the alleged culprit under arrest"). Accordingly, claims based on false arrest, false imprisonment, or malicious prosecution are **dismissed**.

To the extent that Mr. Rahmaan is attempting to proceed with state-law defamation claims, those claims are **dismissed**. To prevail on a cause of action for defamation under Indiana law, a plaintiff must prove four elements: (1) a communication with defamatory imputation, (2) malice, (3) publication, and (4) damages. *Newman v. Jewish Cmty. Ctr. Ass'n of Indianapolis*, 875 N.E.2d 729, 739 (Ind. Ct. App. 2007). Even if Mr. Rahmaan could meet those elements, his claims fail because relevant statements made in the course of a judicial proceeding—as are at issue here—are absolutely privileged. *See Hartman v. Keri*, 883 N.E.2d 774, 777 (Ind. Ct. App. 2008) ("Indiana law has long recognized an absolute privilege that protects all relevant statements made in the course of a judicial proceeding, regardless of the truth or motive behind the statements."). Absolute privilege provides judges, attorneys, parties, and witnesses, in connection with a judicial proceeding, immunity from liability even if they publish defamatory material with an improper motive; this extends to statements, like a probable cause affidavit, made preliminary to a judicial proceeding. *Van Eaton v. Fink*, 697 N.E.2d 490, 494-95 (Ind. Ct. App. 1998).

Because the Court has been unable to identify a viable claim for relief against any particular defendant, the amended complaint is **dismissed**.

#### **IV. Conclusion and Opportunity to File an Amended Complaint**

Because Mr. Rahmaan added a defendant when he filed his amended complaint, the **clerk is directed** to add Bradley Burkhart as a defendant on the docket.



The dismissal of the complaint will not in this instance lead to the dismissal of the action at present. "The usual standard in civil cases is to allow defective pleadings to be corrected, especially in early stages, at least where amendment would not be futile." *Abu-Shawish v. United States*, 898 F.3d 726, 738 (7th Cir. 2018). In the interest of justice, the court will allow Mr. Rahmaan to amend his complaint if, after reviewing this court's order, he believes that he can state a viable claim for relief, consistent with the allegations he has already made. *See Tate v. SCR Med. Transp.*, 809 F.3d 343, 346 (7th Cir. 2015) ("We've often said that before dismissing a case under 28 U.S.C. § 1915(e)(2)(B)(ii) a judge should give the litigant, especially a pro se litigant, an opportunity to amend his complaint."); *Luevano v. Wal-Mart*, 722 F.3d 1014 (7th Cir. 2013).

Mr. Rahmaan shall have **up to and including June 8, 2023, to file a second amended complaint.**


The second amended complaint must (a) contain a short and plain statement of the claim showing that Mr. Rahmaan is entitled to relief, which is sufficient to provide the defendant with fair notice of the claim and its basis; (b) include a demand for the relief sought; and (c) identify what injury he claims to have suffered and what persons are responsible for each such injury. In organizing his second amended complaint, Mr. Rahmaan may benefit from utilizing the Court's complaint form. The **clerk is directed** to include a copy of the prisoner civil rights complaint form along with Mr. Rahmaan's copy of this Order.

Any second amended complaint should have the proper case number, 1:22-cv-1545-JPH-KMB, and the words "Second Amended Complaint" on the first page. The second amended complaint will completely replace the original and the amended complaint. *See Beal v. Beller*, 847 F.3d 897, 901 (7th Cir. 2017) ("For pleading purposes, once an amended complaint is filed, the original complaint drops out of the picture."). Therefore, it must set out every defendant, claim, and factual allegation Mr. Rahmaan wishes to pursue in this action.

If Mr. Rahmaan files a second amended complaint, it will be screened pursuant to 28 U.S.C. § 1915A(b). If no second amended complaint is filed, this action will be dismissed without further notice or opportunity to show cause.

**SO ORDERED.**

Date: 5/12/2023

  
James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

ABDUL-KHAALIQ S. RAHMAAN  
Atlantic Assessment Shelter  
1322 Bedford Ave  
Brooklyn, NY 11216

# COMPLAINT FORM

(for filers who are prisoners without lawyers)

(revised 4/19/2022)

IN THE UNITED STATES DISTRICT COURT

FOR THE \_\_\_\_\_ DISTRICT OF \_\_\_\_\_

\_\_\_\_\_  
(Full name of plaintiff(s))

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

v.

Case Number:

\_\_\_\_\_  
(Full name of defendant(s))

\_\_\_\_\_  
(to be supplied by clerk of court)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## A. PARTIES

1. Plaintiff is a citizen of \_\_\_\_\_, and is located at  
(State)

\_\_\_\_\_  
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper).

2. Defendant \_\_\_\_\_  
(Name)

is (if a person or private corporation) a citizen of \_\_\_\_\_  
(State, if known)

and (if a person) resides at \_\_\_\_\_  
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for \_\_\_\_\_  
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

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### C. JURISDICTION

☐ I am suing for a violation of federal law under 28 U.S.C. § 1331.  
OR

☐ I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$\_\_\_\_\_.

#### D. RELIEF WANTED

Describe what you want the court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or stop doing something.

[illegible]

E. JURY DEMAND

☐ Jury Demand - I want a jury to hear my case  
OR

☐ Court Trial – I want a judge to hear my case

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Respectfully Submitted,

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_  
Plaintiff's Prisoner ID Number

\_\_\_\_\_  
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

F. OPTIONAL CERTIFICATION

Under penalty of perjury, I declare that the facts alleged in this complaint are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Plaintiff

**REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE**

**FILING FEE**

- ☐ I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.
- ☐ I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.